

Attorney Docket No. 020334

Serial No. 10/663,405

REMARKS/ARGUMENTS

The Office action dated November 16, 2005 has been carefully considered. Claims 1-20 are active in this application. Further examination and reconsideration of the rejection of claims 1-20 are respectfully requested.

The rejection of claims 1-20 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement is respectfully traversed. The Office action states that the claims contain subject matter not described in the specification. Specifically, the Office action states that nowhere in applicant's specification is the disclosure of "direct transmission of the hazard alert from one vehicle to emergency personnel responding to the hazard event." On the contrary, applicants' specification is replete with many examples supporting this limitation. More specifically, at paragraph 0019 it is stated "[t]he satellite communication system provides two-way communications between vehicle 100 and third parties, such as ..."governmental authorities..." At paragraph 0023 it states that "the MCT may communicate directly with interested parties, such as remote locations 104, and 106..." At paragraph 0027 it is stated that "[t]he *hazardous material alert may be received by emergency and rescue personnel* (emphasis added) to allow such responders to determine the vehicle's location, type of hazardous cargo, status of the cargo, containment and/or treatment procedures, or any other information concerning the vehicle or the hazardous cargo." Further, it is stated at paragraph 0023 that "other wireless systems could be used in addition or in alternative, such as analog or digital cellular telephone system, an RF communication system or a wireless data communication network, such as a cellular digital packet data (CDPD) network. Consequently, it is respectfully submitted that applicants' disclosure provides a supporting basis for claim limitations reciting direct transmission of the hazard alert from one vehicle to emergency personnel responding to the hazard event. When one considers that other communication systems are disclosed as noted above, together with that fact that the word "direct" is used to distinguish communication from that involving an operator who is able to "contact the appropriate emergency personnel to handle the situation" (as disclosed at column 8, lines 49-53 of Roach) the meaning and proper application of this language is clear. There is no need to consider the nature of satellite

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communications and whether such constitutes direct communications because satellite communications are not specifically recited in the claim language that is under scrutiny.

The rejection of claims 1-4, 6, 7, and 9-17 under 35 U.S. 103 (a) as being unpatentable over Roach in view of Frese et al. is respectfully traversed. Frese does not supply, either directly or by inference, the step of providing communication to emergency personnel. No such step is found because no such disclosure is made. In fact, fleet management purposes as suggested in the Office action and listed in Table 1 of Frese do not provide this step and the firewall that protects the vehicle from unauthorized access at column 3, lines 43-45, actually teaches away from an interpretation of dissemination of information to emergency personnel. This fact is further emphasized at column 4, lines 62-67 of Frese. There, it states that "a separation between vehicle-specific data that can or should be utilized by the vehicle owner, and data that should only be accessible for authorized groups such as vehicle manufacturers, suppliers, the garage, etc. can be implemented in a simple manner." There is no provision made in Frese for emergency personnel of any capacity. As such, there is no teaching or suggestion within Frese which would warrant its combination with Roach. The converse is also true (e.g., no teaching in Roach to warrant its combination with Frese). Thus, even if Frese were to stand for vehicle to vehicle communications, there is no indication that Frese teaches, suggests or makes obvious communication with emergency personnel when considered with Roach or vice versa. Frese's communications are very specifically set out as enumerated above. Roach also very specifically details what parties are in communication. Only in light of applicant's specification and claims can one derive direct communication with emergency personnel. For these reason, it is submitted that the combination of Roach with Frese is improper and that such combination fails to teach, suggest or make obvious the limitations regarding transmitting the hazardous material alert including sending a transmission from the vehicle that can be directly received by emergency personnel responding to the hazard event, as recited in claim 1, 9, 13 and 17. These limitations are also contained in claims dependant from claims 1, 9, 13 and 17. Consequently, the dependents are likewise patentably distinguished from Roach, Frese or any combination thereof

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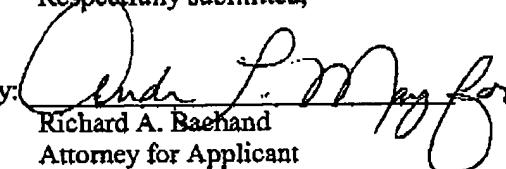
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In view of the remarks, this case is submitted as being in a condition for allowance. Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case.

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Respectfully submitted,

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